

TO: Examiner

FROM: Bruce M. Kisliuk 

DATE: June 4, 2002

SUBJECT: Letters of Protest

With regard to the letters of protest filed in this application, they should be treated in accordance with 37 CFR 1.291(b). It is not clear that a copy of these documents has been forwarded to the attorney in charge of this application.

A review of the letters shows that they are directed to an inventorship issue (or possible fraud issue) which is not an issue the Office is competent to decide. Therefor, in the first Office action the following should be done:

1. The receipt of the letters of protest should be acknowledged and that they have been placed in the file. A copy of them should be made and forwarded to the attorney with the Office action.
2. The only comment on the letters should be a brief statement that the issue raised by the letters is not material to patentability (i.e. - inventorship is not determinative of whether an invention is patentable under 35 U.S.C. 101, 102, 103 or 112) and will not be addressed further.
3. The prior application referred to in the letters should be reviewed for possible use as a reference or for double patenting issues.
4. A copy of this memo should remain in the application, but not be forwarded to applicants or applicants' attorney.
5. Please contact SPRE Dixon if you have any questions or need further direction. Please have the first Office action reviewed by SPRE Dixon with regard to the items above.

WRD